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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1393 (2002) of 31 January 2002, by which the Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2002. It provides an update on the situation in Abkhazia, Georgia, since the report of 19 April 2002 (S/2002/469).

2. My Special Representative for Georgia, Dieter Boden, continued to lead UNOMIG until 5 June 2002, when he ended two and a half years of outstanding service. He is succeeded by Heidi Tagliavini, who assumed her duties on 8 July 2002. In the interim period, UNOMIG was led by the Deputy Special Representative, Roza Otunbayeva. The Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan), also ended his tour of duty and was succeeded by Major General Kazi Ashfaq Ahmed (Bangladesh) on 6 May 2002. The strength of UNOMIG on 1 July 2002 stood at 108 military observers (see annex).

II. Political process

3. During the period under review, UNOMIG continued its efforts to bring about substantial negotiations between the Georgian and Abkhaz sides on the core issue of the conflict, namely, the future status of Abkhazia within the State of Georgia. With the support of the Group of Friends of the Secretary-General, the Mission renewed its efforts to obtain acceptance by both sides of the paper "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter as a basis for such negotiations.

4. As a step towards this goal, my Special Representative tried to arrange a joint meeting with the Abkhaz leadership in which he, together with the Tbilisi-based Ambassadors of the Group of Friends, would acquaint the Abkhaz side with the substance of the paper on competences prior to actually handing it over. He had a number of discussions with the Abkhaz leadership to obtain its agreement for such a meeting. The Russian Federation, in its capacity as facilitator, also played an active role in these efforts. Between 25 and 31 May, Russian Foreign Minister Ivanov and President Putin's special representative for the Georgian-Abkhaz conflict, Valery Loshchinin, met with Abkhaz de facto Prime Minister Jergenia and de facto Foreign Minister Shamba in Moscow to impress upon the Abkhaz side the need to move forward in the settlement process. My Special Representative was consulted and kept informed throughout the discussions. On 12 June, Mr. Loshchinin travelled to Sukhumi for further consultations with the Abkhaz leadership, including a meeting with Mr. Jergenia, held jointly with the acting Special Representative. Representatives of other members of the Group of Friends attempted to visit Sukhumi as well. However, the Abkhaz side was not ready to receive them. Despite all efforts, the Abkhaz leadership continued to reject any discussion of the paper on the well-known grounds of Abkhazia's self-declared independence (see S/1999/1087, para. 7).

5. These efforts were undertaken against the background of the meeting of Presidents Bush and Putin in Moscow from 21 to 24 May 2002. In a joint declaration on new strategic relations and a joint statement on anti-terrorism, the Presidents expressed their readiness to cooperate in conflict settlement efforts in the South Caucasus, including in Abkhazia,

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and reaffirmed their commitment to preserve Georgia's territorial integrity. During my official visit to Moscow from 4 to 6 June, I also discussed, inter alia, the Georgian-Abkhaz conflict with President Putin and Foreign Minister Ivanov.

6. Although it was not possible to present the paper to the parties, the Georgian and Abkhaz sides continued practical work within the framework of the Coordinating Council's working groups and at ad hoc meetings. On 25 April, in Sukhumi, my Special Representative arranged and chaired a meeting between Georgia's State Minister Jorbenadze and Mr. Jergenia to discuss measures to further stabilize the situation in the Kodori Valley. Each side voiced its views concerning the legality, under the 1994 Moscow Agreement, of the presence of Georgian border guards, the format of patrolling and the establishment of a permanent UNOMIG/Commonwealth of Independent States (CIS) peacekeeping force presence in the upper Valley. They did not reach a mutually agreeable conclusion. On 8 May, the parties continued the consultations in the Coordinating Council's Working Group I (on security matters) in Sukhumi under the chairmanship of the Chief Military Observer. While the differences on the main issues remained, the two sides agreed on continued joint UNOMIG/CIS patrolling and to resolve the outstanding issues through peaceful means only. On 20 May, Mr. Jorbenadze and Mr. Jergenia met again, this time in Gali city. They reaffirmed their intentions to resolve the situation in the Kodori Valley peacefully but were again not able to agree on whether the presence of Georgian border guards in the upper Kodori Valley constituted a violation of the Moscow Agreement.

7. On 25 June, the Coordinating Council's Working Group III (on social and economic issues) met in Tbilisi under the chairmanship of the United Nations Development Programme (UNDP) Resident Representative. The agenda focused on cooperation to improve health care in Abkhazia, Georgia, including the Gali region, electricity infrastructure in Sukhumi and Zugdidi and the implementation of the second phase of the UNDP telecommunications project funded by the German Government (see S/2002/88, para. 21).

8. In a follow-up to the recommendations of the joint assessment mission to the Gali district (see S/2001/59, annex II), the two sides continued to discuss the use of Georgian as the language of education in the Gali region, including in Working Group III. They did not reach final conclusions, but agreed to continue their consultations. In addition, my Special Representative consulted with the two sides on possible ways to strengthen law enforcement in the conflict zone. Both sides agreed to cooperate with a small expert team to be organized by UNOMIG to make an assessment of the specific needs.

III. Operational activities

9. UNOMIG continued its mandated observation activities by carrying out two patrols in the Zugdidi sector and three patrols in the Gali sector each day, as well as a two- or three-day patrol, jointly with the CIS peacekeeping force, to the Kodori Valley about every two weeks. Patrolling by helicopter remained suspended because of security concerns; administrative flights continued on a route over the Black Sea avoiding the conflict zone. The investigation of the shooting down of a UNOMIG helicopter on 8 October 2001 is still ongoing.

Kodori Valley

10. The tensions caused by the situation in the Kodori Valley (see S/2002/469, para. 8) decreased during the period under review, partly due to the joint patrolling by UNOMIG and the CIS peacekeeping force in accordance with the 2 April protocol (ibid., para. 11) and the dialogue between the sides in Working Group I and other forums (see para. 6 above).

11. Due to serious security concerns, patrols to the Kodori Valley were arranged in advance with the Georgian authorities and representatives of the local population. They moved on predetermined routes and were accompanied by a Georgian and local Svan security escort. Under these conditions, independent verification of the military situation in the Kodori Valley was not possible. The patrols were nevertheless a valuable confidence-building measure and a step towards eventual independent monitoring, once the security situation allows. The patrols met Georgian border guards at several locations in the upper Valley, as well as members of the National Guard reserve (consisting of local residents). They also observed three 82-millimetre mortars and approximately 140 boxes of ammunition; Georgian officials stated that the equipment would be removed from the Valley once the access road from the Georgian side opened later in the summer.

12. On 24 April 2002, the Georgian authorities informed UNOMIG officially that the Georgian presence in the upper Kodori Valley consisted of 370 border guards, 540 local National Guard reservists and 17 members of a coordinating group of the Ministry of Defence.

13. Mines in the Kodori Valley continued to be of concern. On 7 May a local resident of the upper Kodori Valley was killed in a mine incident, and on 8 June two CIS soldiers were injured by an anti-personnel mine near the last CIS checkpoint in the Abkhaz-controlled lower Kodori Valley; one of them later died from his injuries. On 28 June, two Georgian border guards, wounded by mines, were evacuated from the Kodori Valley by the CIS peacekeeping force; one of them later died.

Gali and Zugdidi sectors

14. UNOMIG patrols in the Gali sector observed that the level of tension had decreased in comparison with the same period in previous years, when there had been a resurgence of partisan activities in early summer. Feeling more at ease with the current situation and thanks to better weather conditions, returnees to the Gali district started to work in the fields to prepare the next harvest. Similarly, a slight decrease in criminal activities was noticed. However, two bombs exploded on 20 June in Ochamchira, injuring one girl, and another two bombs exploded eight days later in Tsarche, near the main road between Ochamchira and Gali city. In addition, 2 killings, 1 abduction and 12 robberies were reported in May and June, most of them committed in the lower Gali district, and criminal activities across the ceasefire line remained a problem. This is a further indication of the weakness of law enforcement agencies on both sides of the Inguri River, particularly in the Gali district.

15. In the Zugdidi sector UNOMIG patrols found the situation to be calm. A minor roadblock created by internally displaced persons near the main crossing over the Inguri River on 17 May was assessed to be an isolated incident, motivated by a delay in the payment of their allowances. The action group of the internally displaced persons, which blocked the major ceasefire line crossing points in January and February, repeated its statement that, if conditions for returns did not improve, it would resume its protests. On 23 June a demonstration of 700 people, organized by the action group, took place in the centre of Zugdidi.

16. Landmines remained a threat, especially in the Gali sector, where two mine incidents took place, on 29 April and 6 May. In the 6 May incident, four people were killed and two injured. UNOMIG suspended its patrolling until the area was cleared by the CIS peacekeeping force.

17. The activities of the Joint Fact-Finding Group continued to contribute to confidence-building between the parties, in particular since its investigations were recognized as impartial by both sides and helped to reduce mutual accusations in the media. Four cases are ongoing; three cases have been closed in the reporting period.

IV. Cooperation with the Commonwealth of Independent States peacekeeping force

18. UNOMIG and the CIS peacekeeping force continued to cooperate closely and maintained good working relations at all levels. Regular meetings took place between the staff of both organizations, complementing the exchanges between the Chief Military Observer and the Commander of the CIS peacekeeping force. The weekly quadripartite meetings remained an important forum for exchanging views on operational matters.

19. Georgia and the Russian Federation continued their consultations on the extension and possible modification of the CIS peacekeeping mandate. A representative of UNOMIG participated in the consultations as an observer at the invitation of both countries and the CIS. Until now no agreement has been reached.

V. Humanitarian situation and human rights

20. An increasing number of returnees tried to rebuild their lives in the Gali district. Over the last few months, local non-governmental organizations have gradually expanded their activities in the fields of education and culture in Gali city and surrounding villages. With the support of UNOMIG, non-governmental organizations based in Sukhumi have started training programmes for students and teachers.

21. International humanitarian agencies and non-governmental organizations continued their programmes to alleviate the acute food and medical needs of the most vulnerable population in Abkhazia, Georgia, and to conduct demining and small-scale rehabilitation activities. Restrictions on border crossings at the Psou River (see S/2001/401, para. 28) continued to impede their operations.

22. The Office of the United Nations High Commissioner for Refugees (UNHCR) continued its limited humanitarian operation in Abkhazia, Georgia, although criminality remained a threat for returnees and UNHCR staff. UNHCR focused its humanitarian assistance on school rehabilitation in the Gali and Ochamchira districts. It also assisted the most vulnerable elderly population through a Sukhumi-based local non-governmental agency. The United Nations Office for the Coordination of Humanitarian Affairs continued, from its main office in Tbilisi and its sub-office in Sukhumi, to monitor the overall humanitarian situation and facilitate the response provided by international and national aid agencies.

23. The United Nations Human Rights Office in Abkhazia, Georgia, reported a modest improvement in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Limited access to qualified legal counsel aggravated the situation. The Human Rights Office remained concerned at the length of pre-trial detentions and violations of due process in individual cases. Since the beginning of July, an independent legal aid office in Gali city began to provide legal advice to the population free of charge.

VI. Support issues

24. In view of the increasing availability of commercial flights to and from Tbilisi, on 17 June 2002 UNOMIG discontinued its overnight weekly flight between Senaki and Istanbul. It could thus increase its administrative flights between Tbilisi and Senaki and between Senaki and Trabzon (Turkey) from twice a week and once a week, respectively, to three times a week. This will greatly facilitate official travel between Tbilisi and Sukhumi (by helicopter between Senaki and Sukhumi), and will result in fewer cancellations of scheduled administrative flights to meet the special requirements of the mission and t political process. The Controller has approved t terms of reference for quick-impact projects as a su account of the Trust Fund in support of t implementation of the Agreement on a Ceasefire a Separation of Forces signed in Moscow on 14 M 1994. The Trust Fund will enable UNOMIG to car out projects in support of confidence-buildi measures, as well as small-scale, quick-impa humanitarian projects in the Gali district to crea conditions conducive to the return of refugees a internally displaced persons.

VII. Financial aspects

25. By its resolution 56/503 of 27 June 2002, t General Assembly appropriated an amount $33,143,700, equivalent to $2,761,975 per month f UNOMIG for the period from 1 July 2002 to 30 Ju 2003. The assessment of these amounts is subject to t decision of the Security Council to extend the mand of the Mission.

26. Should the Security Council decide to extend t mandate of UNOMIG beyond 31 July 2002, recommended in paragraph 33 below, the cost maintaining the Mission until 31 January 2003 wo be limited to the monthly amounts approved by t General Assembly.

27. As at 30 May 2002, unpaid assessed contributio to the UNOMIG Special Account amounted to $1(million. The total outstanding assessed contributio for all peacekeeping operations at that date amount to $1.3 billion.

VIII. Observations

28. There is a regrettable lack of progress on t initiation of political status negotiations between t Georgian and Abkhaz sides. Concerted efforts by t Special Representative, with the full support of t Group of Friends, will continue in order to achieve breakthrough on this key issue. I once again appeal the Abkhaz side in particular to agree to a discussi on the substance of the paper on competences, and use this opportunity to commence negotiations or settlement that would guarantee the rights and intere of the multi-ethnic population of Abkhazia.

29. Tensions in the Kodori Valley decreased during the period under review. However, serious differences between the two sides remain on the measures to be taken to further stabilize the situation. The potential for a new flare-up of hostilities continues to exist. Therefore, the two sides should spare no efforts to work out a mutually acceptable arrangement for the security of the population in, and in the vicinity of, the Valley, so as not to play into the hands of those who seek to use the situation to slow down the political process. In addition, the Georgian side needs to continue to improve security for UNOMIG patrols to enable them to monitor the situation in the Valley independently and regularly, in accordance with the existing agreements.

30. The continuing standstill in the implementation of the Quadripartite Agreement of 4 April 1994 on the return of internally displaced persons to their places of previous permanent residence in safe, secure and dignified conditions remains an issue of concern. I call on both sides to display a genuine commitment to make returns the focus of special attention, and to undertake this task in close coordination with UNOMIG. One practical way to help redress the precarious security situation in the Gali district, which impedes returns, is to explore the possibility of international support for local law enforcement agencies.

31. I must insist that both the Georgian and the Abkhaz sides respect their responsibility to safeguard UNOMIG personnel at all times, especially when hazardous conditions prevail, and to ensure that the Mission's air and road movements are not restricted. The technical investigation into the shooting down of a United Nations helicopter on 8 October 2001 has reached its final stages. I urge the sides to undertake all requisite measures to bring the perpetrators of this barbaric act to justice, as well as those responsible for the 21 September 1998 Sukhumi ambush and for previous hostage-taking incidents.

32. The CIS peacekeeping force plays an important role for UNOMIG's security. It is therefore to be hoped that an agreement on the extension of its mandate can be reached soon.

33. I remain convinced that UNOMIG's presence is essential for creating the conditions for a political process towards a settlement of the conflict, and for moving this process forward. I therefore recommend a further extension of the mandate of UNOMIG for six months, until 31 January 2003.

34. My sincere appreciation goes to my outgoing Special Representative, Dieter Boden, for his effective leadership of the Mission and the imaginative diplomacy with which he pursued the peace process. I am also grateful for the courageous and competent way in which Major General Anis Ahmed Bajwa led the military observers in this challenging environment. The men and women of UNOMIG, who day by day carry out their duties in often difficult and dangerous circumstances, deserve all our admiration.

Annex

Countries providing military observers (as at 1 July 2002)

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	8
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	7
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**108**

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